

No. 14,550

IN THE

United States Court of Appeals  
For the Ninth Circuit

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WONG KAM WO and WONG KAM YIN,  
*Appellants,*

vs.

JOHN FOSTER DULLES, Secretary of State  
of the United States of America,  
*Appellee.*

On Appeal from the District Court of the United States  
for the District of Hawaii.

APPELLEE'S PETITION FOR A REHEARING.

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LOUIS B. BLISSARD,  
United States Attorney,  
District of Hawaii,

CHARLES B. DWIGHT III,  
Assistant United States Attorney,  
District of Hawaii,

*Attorneys for Appellee  
and Petitioner.*

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*To the Court as Constituted in the Original Hearing  
of the Above Entitled Appeal, Namely: Honor-  
able William Healy, Circuit Judge; Honorable  
William E. Orr, Circuit Judge; and Honor-  
able Frederic G. Hamley, Circuit Judge:*

Comes now John Foster Dulles, appellee above-  
named, and presents this, his petition for a rehearing  
of the above entitled matter for the following reasons:

The opinion of the Court has ruled that §2, Act of  
March 2, 1907 (34 Stat. 1228) applies to the appel-

lants in this case. (Pages 4 and 5.) *Zimmer v. Acheson*, 191 F. (2d) 209.

The District Court held that such was not the case and consequently cut off any inquiry as to whether appellants had expatriated themselves. It is suggested that the District Court be allowed to take evidence if necessary *concerning* the *presumption of expatriation* and to make findings concerning appellants' possible expatriation. It is to be noted that as in *Zimmer v. Acheson, supra*, neither appellant did much of anything to overcome this presumption of expatriation.

It is submitted that the rehearing be granted and that the action be remanded to the District Court for further proceedings to ascertain whether expatriation has occurred in either or both of appellants' cases, this, all in conformity with the opinion heretofore filed.

Dated, Honolulu, T. H.,  
September 12, 1956.

Respectfully submitted,

LOUIS B. BLISSARD,  
United States Attorney,  
District of Hawaii,

By CHARLES B. DWIGHT III,  
Assistant United States Attorney,  
District of Hawaii,

*Attorneys for Appellee  
and Petitioner.*

## CERTIFICATE OF COUNSEL.

I, Charles B. Dwight III, one of the attorneys for appellee and petitioner above named, do hereby certify that in my judgment the foregoing petition for a rehearing is well founded, and that it is not interposed for delay.

Dated, Honolulu, T. H.,  
September 12, 1956.

CHARLES B. DWIGHT III,  
Assistant United States Attorney,  
*Attorney for Appellee  
and Petitioner.*

